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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/812,687	03/30/2004	Eric G. Mundt	GW-0063-US	4034

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EXAMINER

RACHUBA, MAURINA T

ART UNIT	PAPER NUMBER
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3723

DATE MAILED: 05/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/812,687

Applicant(s)

MUNDT, ERIC G.

Examiner

M Rachuba

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,4,6-15,17 and 18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,6-15,17 and 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see page 10, 3rd and 4th paragraphs, filed 06 March 2006, with respect to the rejection under 35 USC 102(b) have been fully considered and are persuasive. The rejection has been withdrawn.

Claim Objections

2. Claim 7 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 7 repeats the limitations of claim 1 as amended.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3, 4, 6-8, 13-15, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP 0305616 in view of Eckhardt et al, 4739586. '616 discloses the claimed invention, including a plurality of nozzles connected to a coolant header that is positionable with the nozzles. '616 does not disclose that repositioning of the nozzles is synchronized to movement of the tool along at least one axis where the defined amount of movement of the tool yields a predetermined amount of repositioning

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movement of the nozzles. '616 teaches that the contact zone between the tool and work piece is changed by movement of the work piece, and that the nozzles are repositioned relative to the movement by the work piece. '586, in a similar device, teaches that it is old and well known to connect the nozzles to the tool, so that movement of the tool between contact zones causes repositioning of the nozzles, using a servomotor. It would have been obvious to one of ordinary skill in the art to have provided '616 with the repositioning of the nozzles synchronized to the tool movement, rather than the work piece movement, as taught by '586, column 2, lines 11-16, that by adjusting the nozzle holder in dependence on the movement of the grinding point, the coolant jet is continuously and accurately directed into the groove so that even with a relatively small amount of coolant a satisfactory cooling is obtained, the movement of the grinding point defined as movement of the tool relative to the work piece.

5. Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP 0305616 in view of Eckhardt et al, 4739586 as applied to claim 1 above, and further in view of Mason 1924162. '616 teaches using a gearing system to move the coolant head and nozzles relative to the tool. '162, in a moving device, teaches that it is old and well known to use a cable system, comprising a pair of cables attached to each end of a moving structure, the cables causing the moving structure to be reciprocated as needed during use. It would have been obvious to one of ordinary skill in the art to have provided '616 with a cable drive in place of the gear drive, as taught by '162, to allow accurate positioning and smooth controlled movement of the header, see page 2, lines 66-84.

6. Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP 0305616 in view of Eckhardt et al, 4739586 as applied to claim 1 above, and further in view of Kalb, 6712061. '616 discloses that the coolant head is moved by a gearing system. '061 teaches that it is old and well known in the machining arts to use a cable system communicating with and extending between a moveable device and a slide on the machine, along an arc, for effecting movement of the device relative to the work piece along an axis of motion. It would have been obvious to one of ordinary skill to have provided '061616 with the cable system taught by '061, figure 1, to accurately drive the structure, see column 3, lines 35-38.

Response to Arguments

7. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection. The examiner agrees that '586 does not disclose a coolant header as claimed, and therefore the rejection over '586 under 35 USC 102 has been withdrawn. However, it is the examiner's position that '616, teaching a coolant header on a machining tool, the header driven synchronized with the work piece, as modified by '586, teaching it is old and well known to synchronize the movement of coolant nozzles with a machining tool movement, makes obvious applicant's claimed invention. Applicant's arguments regarding the use of '061 and '162 are noted. '061 is relied on to teach a cable and slide system for moving a structure along an arc. '162 is relied upon to teach a cable drive system is old and well known. The motivation is that such drives are common, and accurate for driving structures in two directions. In response to applicant's argument that '162 is nonanalogous art, it has

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been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, '162 is not from the field of applicant's endeavor, but is reasonably pertinent to the particular problem with which applicant was concerned, here, how to move the coolant head.

Conclusion

8. As the new ground of rejection are based on applicant's arguments, and not on a change in the claims, this action is made non-final.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M Rachuba whose telephone number is 571-272-4493.

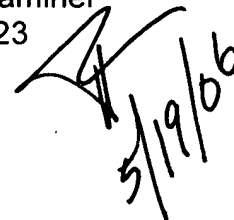
The examiner can normally be reached on Monday-Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail can be reached on 571-272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M Rachuba
Primary Examiner
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A handwritten signature, possibly 'M. Rachuba', is written over the printed name. Below the signature, the date '5/19/06' is written vertically.